

A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 8

8.14 Statement of Commonality for Statements of Common Ground

Planning Act 2008

Rule 8(1)(e)

Infrastructure Planning (Examination Procedure) Rules
2010

December 2021

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010****A428 Black Cat to Caxton Gibbet
improvements
Development Consent Order 202[]**

**8.14 Statement of Commonality for Statements of Common
Ground**

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Author:	A428 Black Cat to Caxton Gibbet improvements Project Team, National Highways

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1 Introduction

1.1 Purpose of this Document

- 1.1.1 This Statement of Commonality for Statements of Common Ground (this Statement) relates to an application made by National Highways (the Applicant) to the Planning Inspectorate (the Inspectorate) under Section 37 of the Planning Act 2008 (the 2008 Act) for a Development Consent Order (a DCO). If made the DCO would grant consent for the Applicant to undertake the A428 Black Cat to Caxton Gibbet improvements (the Scheme). A detailed description of the Scheme can be found in Chapter 2, The Scheme **[APP-079]** of the Environmental Statement.
- 1.1.2 This Statement has been prepared to provide the Examining Authority (ExA) with the current position on Statements of Common Ground (SoCG) between the Applicant and prescribed consultees, statutory undertakers and Interested Parties (other parties) in relation to the Scheme.
- 1.1.3 This Statement also provides a current position on the commonality on specific points between SoCG at Examination Deadline 6 on 14 December 2021.

2 Structure of Statements of Common Ground

- 2.1.1 To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCG adopts a standard format in order to provide clarity to other parties and ultimately the ExA.
- 2.1.2 Each SoCG has the following structure:
- a. Section 1: provides an introduction to the SoCG and a description of its purpose.
 - b. Section 2: states the engagement that has occurred between the Applicant and other Party.
 - c. Section 3: sets out any issues that have arisen, reporting on the status of each issue, i.e. whether it is agreed, still under discussion or not agreed and any remaining actions.
- 2.1.3 Where relevant, documents not forming part of the Application that are referenced in the SoCG and which it is helpful to draw to the ExA's attention, have been appended to the SoCG.

3 List of statements of common ground

- 3.1.1 The Applicant is preparing SoCGs with a number of Interested Parties (IPs), as requested by the Examining Authority in their Rule 9 and Rule 17 letter of 2 July 2021, as well as with other IPs, where it considers it is beneficial to do so during the Pre-Examination and Examination stages.
- 3.1.2 The parties which the Applicant has prepared SoCG with are listed in **Table 3-1** below. Chapter 4 lists the SoCGs requested by the ExA that are not being submitted. Further detail about the current position of each SoCG can be found at Chapter 5, **Table 5-1** of this Statement.

Table 3-1 - List of SoCGs at Deadline 6

Stakeholder
Local Authorities CAMBRIDGESHIRE COUNTY COUNCIL, HUNTINGDONSHIRE DISTRICT COUNCIL, SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL (JOINT SOCG) BEDFORD BOROUGH COUNCIL CENTRAL BEDFORDSHIRE COUNCIL
Prescribed Consultees NATURAL ENGLAND HISTORIC ENGLAND ENVIRONMENT AGENCY
Statutory Undertakers NATIONAL GRID CADENT GAS LIMITED ANGLIAN WATER SOUTH STAFFORDSHIRE WATER
Interested Parties NATIONAL FARMERS UNION EAST WEST RAIL COMPANY LIMITED

4 Statements of Common Ground requested by the ExA which will not be submitted

4.1.1 For those IPs where a SoCG requested by the ExA in the Rule 9 and Rule 17 letter dated 2 July 2021 will not be provided, an explanation is set out below.

The Woodland Trust

4.1.2 The Woodland Trust confirmed to the Applicant on 16 July 2021 that they do not wish to participate in any SoCG in relation to road schemes as they are currently considering their internal and external position on their involvement with transport schemes (particularly road schemes). As a result, The Woodland Trust has placed a temporary moratorium on partaking in any such agreements. The Woodland Trust has confirmed they are therefore unable to participate in any conversations regarding a SoCG on this Scheme.

Network Rail

4.1.3 The Applicant is finalising a two-party overbridge agreement with Network Rail, has received a Letter of No Objection for the design and will provide a formal letter of undertaking for the easements land plots, as requested by Network Rail. This is sufficient for Network Rail to remove their objection and acknowledge they do not require a SoCG, which was confirmed in an email received on 17 August 2021 from Network Rail.

Public Health England

4.1.4 Public Health England (PHE) submitted a letter to the Planning Inspector on 27 August 2021 confirming:

- a. Air Quality: PHE is now satisfied that emissions during the construction process have been considered. The proposals outlined in the supporting documentation and future construction and environmental management plan should be adequate.
- b. Population and Human Health – Access to Eltisley Manor Nursing Home: PHE is satisfied that the mitigation to minimise severance to Eltisley Manor, in addition to the ongoing and proposed liaison with Eltisley Manor adequately addresses their initial concerns.

4.1.5 Based on the above letter, it has been agreed with PHE that an SoCG is not required.

5 Summary of current position

5.1.1 This section provides the current position of each SoCG.

5.1.2 **Table 5-1** provides a high-level position and where necessary includes further detail to aid understanding. The high-level positions used in the table are:

- 1 **Final Signed SoCG all matters agreed** – The final SoCG has been signed by both parties and all matters are agreed.
- 2 **Final Signed SoCG with matters outstanding** – The final SoCG has been signed by both parties and there remain matters outstanding that the Applicant and the other party agree will not be resolved during the Examination.
- 3 **SoCG in draft** – The SoCG has been drafted by the Applicant, it has been shared with the other party and comments have been provided. Discussion is ongoing to reach a ‘Final Signed SoCG all matters agreed’ or ‘Final Signed SoCG with matters outstanding’.

Table 5-1 – SoCG high level position

Document Reference	Party	Position at Deadline 1 31 August 2021	Position at Deadline 4 4 November 2021	Position at Deadline 5 16 November 2021	Position at Deadline 6 14 December 2021	Position at Deadline 10 15 February 2022
TR01004/EXAM/8.6	CAMBRIDGESHIRE COUNTY COUNCIL, HUNTINGDONSHIRE DISTRICT COUNCIL, SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL (JOINT SOCG)	SoCG in draft	SoCG in draft	SoCG in draft	SoCG in draft	
TR01004/EXAM/8.5	BEDFORD BOROUGH COUNCIL	SoCG in draft	SoCG in draft	SoCG in draft	SoCG in draft	
TR01004/EXAM/8.4	CENTRAL BEDFORDSHIRE COUNCIL	SoCG in draft	SoCG in draft	N/A	SoCG in draft	
TR01004/EXAM/8.3	NATURAL ENGLAND	SoCG in draft	SoCG in draft	N/A	SoCG in draft	
TR01004/EXAM/8.2	HISTORIC ENGLAND	SoCG in draft	SoCG in draft	N/A	SoCG in draft	

Document Reference	Party	Position at Deadline 1 31 August 2021	Position at Deadline 4 4 November 2021	Position at Deadline 5 16 November 2021	Position at Deadline 6 14 December 2021	Position at Deadline 10 15 February 2022
TR010044/EXAM/8.1	ENVIRONMENT AGENCY	SoCG in draft	SoCG in draft	N/A	SoCG in draft	
TR010044/EXAM/8.9	NATIONAL GRID	SoCG in draft	SoCG in draft	N/A	SoCG in draft	
TR010044/EXAM/8.13	CADENT GAS LIMITED	SoCG in draft	SoCG in draft	N/A	SoCG in draft	
TR010044/EXAM/8.11	ANGLIAN WATER	SoCG in draft	SoCG in draft	N/A	SoCG in draft	
TR010044/EXAM/8.12	SOUTH STAFFORDSHIRE WATER	SoCG in draft	SoCG in draft	N/A	SoCG in draft	
TR010044/EXAM/8.7	NATIONAL FARMERS UNION	SoCG in draft	SoCG in draft	N/A	SoCG in draft	
TR010044/EXAM/8.8	EAST WEST RAIL COMPANY LIMITED	SoCG in draft	SoCG in draft	N/A	Not submitted at Deadline 6	

6 Commonality

- 6.1.1 This section of the Statement provides a summary of principal issues covered in the SoCGs and demonstrates where there is commonality in the topics or matters.
- 6.1.2 The table is presented to show topics covered within the various SoCGs and how these are relevant to each other party and a position for each topic as follows:

	There is broad agreement on specific matters within this general topic area.
	Matters subject to further discussion
	There is general disagreement between the parties within this general topic area.

- 6.1.3 Where a matter is not relevant to the other party, it is not included within the SoCGs and therefore not covered in **Table 6-1** and shown as a blank.

Table 6-1 - Table of Commonality at Deadline 6

Party	Topics																			
	Draft DCO	Protective Provisions	Other Consents and licences	Outline Construction Traffic Management Plan and associated documents	Design and Engineering	Planning Policy	Landscape & Visual Effects	Cultural Heritage	Biodiversity	Habitats Regulations Assessment	Traffic and Transport	Air Quality	Noise and Vibration	Road Drainage and the Water Environment	Geology and Soils	Population and human health	Material Assets and Waste	Cumulative effects	Compulsory Acquisition	Climate
CAMBRIDGESHIRE COUNTY COUNCIL, HUNTINGDONSHIRE DISTRICT COUNCIL, SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL (JOINT SOCG)																				
BEDFORD BOROUGH COUNCIL																				
CENTRAL BEDFORDSHIRE COUNCIL																				
NATURAL ENGLAND																				
HISTORIC ENGLAND																				
ENVIRONMENT AGENCY																				
NATIONAL GRID																				
CADENT GAS LIMITED																				
ANGLIAN WATER																				
SOUTH STAFFORDSHIRE WATER																				
NATIONAL FARMERS UNION																				
EAST WEST RAIL COMPANY LIMITED																				

7 Position as at Deadline 6 (14 December 2021)

7.1.1 This section provides a summary of the SoCG position between the Applicant and each interested party as at Deadline 6. This section will be updated at each deadline when revised SoCGs will be submitted, to explain what has changed since the previous iteration. The individual SoCGs should be referred to for further detail on specific matters.

Cambridgeshire County Council, Huntingdonshire District Council, South Cambridgeshire District Council Joint SoCG

7.1.2 The draft SoCG with the Cambridgeshire authorities (Cambridgeshire County Council, Huntingdonshire District Council, South Cambridgeshire District Council) reflects the position of the parties as at Deadline 6. Following submission of the updated draft SoCG at Deadline 5, matters related to air quality, geology and soils and cumulative effects are agreed. The majority of landscape and visual effects and climate-related positions are also agreed. Other environmental topics are mostly under discussion. Environmental topics of particular concern to the Cambridgeshire authorities include cultural heritage and biodiversity matters.

7.1.3 The Applicant has now provided a breakdown of the Highways section of the SoCG which schedules out the various design parameters at each location so it is now clear what is proposed and agreed/not agreed at each location. This will enable discussions between parties (both through the SoCG and the Legal Agreement) to show clear and demonstrative progress. A meeting on Public Rights of Way is scheduled for 16 December 2021, to progress related items. The Cambridgeshire authorities have concerns regarding National Highways' approach to monitoring of local roads during and after construction. National Highways have set out their position in the Monitor and Manage Technical Note submitted at Deadline 6.

7.1.4 National Highways will continue to engage with the Cambridgeshire authorities on matters and the SoCG will be updated in Deadline 10.

Bedford Borough Council

7.1.5 The draft SoCG with Bedford Borough Council (BBC) reflects the position of both BBC and the Applicant as at Deadline 6. Following submission of the draft SoCG at Deadline 5, there has been progress on a number of environmental matters with road drainage and the water environment matters agreed between both parties. BBC have advised that they are not in a position to comment on matters related to landscape and visual effects, geology and soils and climate. Environmental issues of particular concern to BBC include matters related to Brook Cottages, environmental effects and mitigation related to borrow pits (e.g. dust, noise and vibration and material assets and waste). Some biodiversity and population and human health aspects are also under discussion.

7.1.6 The highways matters were not discussed with BBC during the Deadline 6 window owing to unavailability from BBC. However, progression was made at a meeting held on 13 December 2021 regarding detrunking and the legal agreement which covers a number of items and comments received from the local authority indicating how further progression can be made.

7.1.7 National Highways will continue to engage with BBC on matters and the SoCG will be updated in Deadline 10.

Central Bedfordshire Council

7.1.8 The majority of the environmental matters are agreed including matters related to cultural heritage, landscape and visual effects, biodiversity, geology and soils, material assets and waste, population and human health, road drainage and the water environment, climate and assessment of cumulative effects.

7.1.9 The main environmental matters under discussion include air quality effects and mitigation (particularly at Sandy Air Quality Management Area (AQMA)) and noise and vibration effects and mitigation at specific receptors.

7.1.10 The draft SoCG for highways matters was discussed with CBC on the 26 November 2021. Progression was made on items relating to Construction Impacts which will continue to be at the forefront of discussions.

7.1.11 National Highways will continue to engage with CBC on matters and the SoCG will be updated in Deadline 10.

Natural England

7.1.12 The majority of positions within the Natural England SoCG are agreed.

7.1.13 Matters agreed include legislation and policy considerations; study area extents; application of professional judgements; assessment assumptions and limitations; limits of deviation; presentation of results; Scheme design; approach to modelling; air quality matters; matters related to landscape and visual effects; population and human health matters; climate matters; designated sites matters; and matters related to borrow pits, Breedon quarry and biodiversity net gain.

7.1.14 Natural England have accepted the additional bat data provided by National Highways and agreed that there were no likely significant affects, subject to receiving final survey results. They also explained their view for National Highways to communicate the conclusion of no likely significant effects by undertaking the Appropriate Assessment stage of the Habitats Regulations Assessment.

7.1.15 Matters related to the detailed soils surveys, assessment of cumulative effects and Great Crested Newt licencing are still under discussion.

Historic England

7.1.16 The majority of positions within the Historic England SoCG are agreed.

7.1.17 Areas agreed include legislation and policy considerations; study area extents; application of professional judgements; assessment assumptions and limitations; limits of deviation; presentation of results; Scheme design; baseline data collection; assessment findings; embedded and essential mitigation (with the exception of Brook Cottages); cumulative effects matters, and matters related to interaction of disciplines.

7.1.18 The main matters under discussion relate to Brook Cottages. Matters related to policy tests, relocation and recording are agreed, whereas heritage significance and relocation options for Brook Cottages are under discussion. Matters related to assessment of harm, retention in existing location and intrusive survey are currently not agreed.

Environment Agency

- 7.1.19 The majority of positions within the Environment Agency (EA) SoCG are agreed.
- 7.1.20 Areas agreed include legislation and policy considerations; study area extents; application of professional judgements; assessment assumptions and limitations; design criteria and climate allowances; presentation of results; Scheme design; waste management; biodiversity matters; road drainage and water environment matters (excluding FRA matters); geology and soils matters; Water Framework Directive matters and cumulative effects matters.
- 7.1.21 The matters that remain under discussion predominantly relate to the FRA. An FRA Technical Note has been produced and submitted to the Examination at Deadline 6.
- 7.1.22 Draft DCO Article 58 and Requirement 14 (subject to Requirement 3 being updated) are agreed, whereas discussions around other DCO and legal matters and Protective Provisions are ongoing.

National Grid

- 7.1.23 Discussions with National Grid are ongoing with regard to the protective provisions with good progress being made. An updated SoCG has been submitted by the Applicant for Deadline 6.

Cadent Gas Limited

- 7.1.24 Protective provisions for the benefit of Cadent Gas Limited have been agreed between the parties and are as set out in the draft DCO submitted at Deadline 6. An updated SoCG has been submitted by the Applicant for Deadline 6.

Anglian Water

- 7.1.25 The position of Anglian Water with regard to the protective provisions is currently under discussion. The SoCG submitted at Deadline 6 sets out the points of dispute between the parties with justification provided for their respective positions.

South Staffordshire Water

- 7.1.26 Discussions with South Staffordshire Water are ongoing with regard to the protective provisions with good progress being made. An updated SoCG has been submitted by the Applicant for Deadline 6.

National Farmers Union

- 7.1.27 The Applicant held a meeting with the NFU on 24 November 2021 to discuss the Deadline 4 SoCG submission. This version of the SoCG was submitted without any comments provided by the NFU. Following the meeting, the Applicant issued the SoCG and Schedule of Agricultural Liaison Officer roles and responsibilities to the NFU to provide comment ahead of deadline 6. On 13 December 2021, the Applicant received an email from the NFU advising that they did not have time to comment on the SOCG for Deadline 6. The NFU have confirmed however that they will be making a separate submission for Deadline 6 and to confirm that the Applicant has not had an opportunity to review the NFU comments.

East West Rail Company Limited

- 7.1.28 National Highways and East West Rail have met to discuss the protective provisions. National Highways is not proposing to accept the protective provisions or interface agreement but is offering a co-operation agreement to secure continuing working with East West Rail. There is a meeting scheduled between the Applicant and East West Rail on 16 December 2021 to discuss and then to update the SoCG thereafter. An updated draft SoCG is therefore not being submitted at Deadline 6.